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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,356	01/28/2004	Graham R. Holliday	33317	2897
29669	7590	11/15/2005		
PEARSON & PEARSON, LLP 10 GEORGIA STREET LOWELL, MA 01852			EXAMINER CONSILVIO, MARK J	
			ART UNIT 2872	PAPER NUMBER

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/766,356

Applicant(s)

HOLLIDAY ET AL.

Examiner

Mark Consilvio

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-7 and 9-17 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

Claim 1 is newly amended as incorporating the limitations previously recited in claims 3 and 4 as well as additional limitations not previously presented. Claims 3 and 4 have been cancelled and claims 16 and 17 are newly added. Claims 1, 2, and 5-17 are currently pending.

Response to Arguments

Applicant's arguments with respect to claims 1-14 have been considered but most are moot in view of the new ground(s) of rejection. Remaining arguments filed 8/29/2005 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a particular interpretation of a double-sided self-adhesive gasket) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Hence, the "bead of adhesive" shown by Brun is seen as a double-sided self-adhesive gasket since this limitation conveys no structural or functional distinction. A gasket is "any variety of seals or packings used between matched machine parts or around pipe joints to prevent the escape of a gas or fluid" (*The American Heritage® Dictionary of the English Language*, 4th Ed.).

Further, it is noted that the features upon which applicant relies (i.e., counter-sunk screws that are covered by a gasket and the security cover) are not recited in the rejected claim(s). Hence, this limitation should be included in the claim if applicant wishes to argue that it patentably distinguishes over the prior art.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the relationship between the holes such that they are *offset approximately 12 degrees*. Hence, it is unclear with respect to what these elements are arranged.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5-7, and 10-13 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brun (US Patent No. 5,793,522) in view of Meginnis (US Patent No. 4,436,375) and in further view of Jung (US Patent Application Publication No. 2003/0030748).

With respect to claims 1 and 6, Brun discloses an infrared sight glass (7) for fitting over an aperture (8) on an enclosure of electrical equipment (3) for thermographic inspection comprising: means for supporting (11) an infrared transmitting medium (10); means for attaching (21) the supporting means (11) adjacent to the aperture (8) on the enclosure of the electrical equipment (3); and means for attaching (27) a cover (26) to an outer surface of the supporting means (11). Brun discloses the supporting means (11) comprises holes (25) for receiving screws to attach said supporting means to the enclosure. Brun also discloses the supporting means (11) comprises a double-sided self-adhesive gasket (15) positioned between said infrared transmitting medium (10) and recessed portion of the supporting means (11) (fig. 2 and col. 4, lines 46-64).

Brun does not expressly disclose attaching the supporting means without accessing an inside of the enclosure. Meginnis discloses a sight glass where the supporting means (10) is attached via attaching means (20) through holes (21) without accessing an inside of the enclosure. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Brun to allow attachment of the supporting means without accessing an inside of the enclosure. One of ordinary skill in the art would have been motivated to do this so the sight glass could be easily and quickly inspected, cleaned, repaired, or replaced after initial operation (See Meginnis col. 3, line 61 – col. 4, line 7).

Brun does not expressly disclose the cover attaching means providing security to prevent unauthorized removal of the cover. However, such means of attachment as disclosed in the instant application are well known in the art. For example, Jung teaches such tamper-proof screws (35) that providing security to prevent unauthorized removal of the cover (28). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art

Art Unit: 2872

to modify the teachings of Brun to replace the attachment means of Brun with the attachment means of Jung. One of ordinary skill in the art would have been motivated to do this to prevent unauthorized tampering or vandalism (See Brun col. 6, lines 23-29).

With respect to claim 5, Brun discloses a second gasket (12) is positioned between a ring surface (13) of said supporting means (11) and a corresponding surface around the aperture (8) of said enclosure (fig. 2).

With respect to claim 7, Brun and Meginnis are silent to the addition of a tag shield to the sight glass. However, it is well known to attach tags to any object at a variety of convenient positions. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Brun to add a tag shield having an aperture corresponding to and adjacent to the aperture of said enclosure, the tag shield being positioned between said enclosure and said supporting means. One of ordinary skill in the art would have been motivated to do this a number of reasons including allowing the addition of a name tag, barcode, or label for identification purposes, a meter or scale to obtain status information, and/or a seal to indicate possible tampering.

With respect to claim 10, the combination of Brun, Meginnis, and Jung discloses or suggests all the limitations of claim 1. Further, Jung teaches diametrically opposite holes for receiving said security attaching means. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to provide this additional feature to fix the cover in place using the minimum amount of screws and an arrangement necessary to prevent the cover from being pried away from the support or rotated out of the way by unauthorized persons.

Art Unit: 2872

With respect to claims 11-13, 15 and 16, Brun and Meginnis disclose or suggest all the limitations of claims 1-8 as discussed supra. However, the examiner notes while Brun, Jung, and Meginnis are silent to a method of manufacturing such a device, the steps of supporting, attaching, and providing are very broad. It would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the sight glass of Brun, Jung, and Meginnis with the method of claims 11-13, 15 and 16, since the method steps are obvious in light of the resultant structure. Therefore, claims 11-13, 15 and 16 are rejected for the same reasons previously stated regarding claims 1, 5-7, and 10.

The combination of Brun, Meginnis, and Jung discloses or suggests all the limitations of claim 11. Though the combination does not expressly disclose a third gasket between said security cover and said frame, it is well known to add gaskets between matching parts where a seal is desired. A seal may be desired to further add security to the mounting/cover interface or to add insulation from impact, thermal, or electrical shocks (See Brun col. 6, lines 9-29). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to provide a third gasket between said security cover and said frame for these reasons.

Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brun (US Patent No. 5,793,522) in view of Meginnis (US Patent No. 4,436,375) and in further view of Jung (US Patent Application Publication No. 2003/0030748) and Roby (US Patent No. 2,013,448).

The combination of Brun, Meginnis, and Jung discloses or suggests all the limitations of claims 1 and 11. While Jung does show diametrically opposite holes for receiving said security

Art Unit: 2872

attaching means, the combination does not expressly disclose the holes are keyhole slots.

However, Roby discloses a sight glass cover (35) comprises diametrically opposite keyhole slots (61) for receiving screws (41) and enabling the cover to be moved into a secured position on the sight glass (fig. 5). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the holes of the previous combination and allow attachment of the cover by using diametrically opposite keyholes enabling the cover to be rotated into a secure position (See e.g. Shwisha (US Patent No. 3,054,088) or Alden (US Patent No. 2,511,893)). One of ordinary skill in the art would have been motivated to do this for a variety of reasons including allowing the cover to be easily and quickly removed for cleaning, inspection, or replacement of the cover.

Allowable Subject Matter

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Though the prior art discloses or suggests the limitations of claims 1 and 7, the prior art of record fails to teach or suggest the aforementioned combination further comprising a third gasket is attached between said tag shield and a ring surface of said supporting means, and a fourth gasket is attached between said tag shield and around the aperture of said enclosure.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chapman (US Patent No. 3,584,640) has been cited to provide evidence that one of ordinary skill would be motivated to prevent unauthorized tampering or vandalism (col. 3, lines 35-41). Shwisha (US Patent No. 3,054,088) and Alden (US Patent No. 2,511,893) have been cited to provide evidence of the use of diametrically opposite keyhole slots.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Consilvio whose telephone number is (571) 272-2453. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.

Art Unit: 2872

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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